

**TOWN COUNCIL  
REGULAR MEETING  
AUGUST 16, 2000**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Interim Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

**3. PRESENTATIONS**

**3.1 Extra Mile Awards - Town Picnic**

Mayor Venis presented a plaque to the following individuals in recognition of their assistance at the staff picnic: Wista and Bob Loftus, Joe Brown of Brown's Bounce House, Nancy DeVeough of Little Critter's, Programs Administrator Will Allen, Head Lifeguard Rochelle Kelvos, and Clerk Typist II Joanne Jakin.

**3.2 Davie/Cooper City Chamber of Commerce**

Arline Broleman, Executive Director, updated Council on the Chamber's efforts.

**3.3 Community Redevelopment Agency (CRA)**

Neal Kalis, CRA Chair, reported to Council that the CRA was in the midst of interviewing a replacement for previous Redevelopment Coordinator Glenn Irwin's position.

Mr. Kalis commented that there had been discussions with the Chamber on the possibility of relocating the CRA office to the Chamber's building. He commented that the Chamber had space and in discussions with a Chamber representative, there was some potential synergy that could be developed between the Chamber and the CRA. Mr. Kalis indicated that the CRA would still maintain a close connection with the Town and be tied in by computer. He commented that the relocation of the CRA would provide much needed space that could be utilized by the Town in the future. Mr. Kalis indicated that he believed that having a viable and strong Chamber was a "good thing" for the Town and the relocation of the CRA might provide assistance to the Chamber.

Mr. Kalis commented that the Davie Road Streetscape continued to move forward and was approximately three to four weeks away from substantial completion. He indicated that there would be follow-up items and was aware that there were many things that needed to be addressed. Mr. Kalis stated that he was not happy that the landscaping was not being maintained by the contractor, but he believed this would be taken care of; however, it did not present the best appearance for some of the merchants who had endured the process.

Mr. Kalis commented that he, along with Economic Development Coordinator Margaret Wu and Budget and Finance Director Christopher Wallace, had toured the Andrx facility which was located in the CRA district. He indicated that the building was impressive and felt that the entire Town should try to build on it. Mr. Kalis stated that even before the building was occupied, there was a need for expansion which was an impressive situation as well as a plus for the Town. He commented that everyone should be congratulated, especially Council.

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Mr. Kalis referred to the Eastside neighborhood and indicated that the CRA was in the process of purchasing additional lots. He commented that of the five new homes that were under construction, one buyer had moved in; however, he was not sure if the others had closed. Mr. Kalis stated that it appeared that the homes were being completed, unfortunately there were some issues regarding the previously completed homes which involved maintenance work that had not been completed by the contractor. He indicated that the CRA was trying to assist but so far, the problems had not been resolved.

#### **3.4 Pine Island Park Update**

Bruce Bernard, Public Works/Capital Projects Manager, commented that the 80 space parking lot was completed to the north of the existing soccer field, as well as the fencing on the existing stadium football field required for the league program. Mr. Bernard indicated that there was no construction being performed on the remaining property adjacent to the park on the southwest corner that would affect any off-site property. He commented that the Public Works Department was going through its underground utility process with 20% of utilities already installed. Mr. Bernard indicated that the materials were already on site, permits from the South Florida Water Management District and Central Broward Drainage District (CBDD) had been received, and the work was scheduled to be completed in December. He referred to the design/build portion of the project and indicated that the contractor had been issued his notice to proceed on July 17th and was in the process of preparing the site. This project would include the four concession stands, the baseball field, the roller hockey rinks, the tennis and basketball courts, and additional parking and was scheduled to be completed in February 2001. Following this project was the competitive bid for the multi-purpose building, which was out for bid with the bids due on August 22nd. Mr. Bernard advised that the drawings were 65% completed and were presently being reviewed by staff. He commented that once the contract was ready to be awarded, the drawings would be 100% complete with the Building Division able to issue a notice to proceed.

#### **3.5 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Director of Parks and Recreation, advised that upcoming events included: adults and seniors birthday bash (August 25th); and an afterschool program at Orange Park and Eastside Community Hall (August 23rd).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Florida Junior Rodeo Finals (August 18th - 20th); Five Star Rodeo (August 25th and 26th); Labor Day Family Splash (September 4th); Country Craft Show (September 16th and 17th); and the Safety Summit Symposium (September 23rd).

#### **7.4 Councilmember Paul read the proclamation by title.**

Jack Curtis, Census Coordinator for the tri-county area, presented a preview of Census 2000. He commented that the figures being presented were not actually Census 2000 figures, but they were the closest figures that would be seen until the actual figures were released to cities and communities across the country next spring. Mr. Curtis stated that the American Community Survey system of surveys would be replacing the long Census forms so that in 2010, residents would no longer receive a list of 57 questions, but would receive the short form. He indicated that in 1999, Broward County was one of 21 counties selected to participate in the survey. Mr. Curtis commented that Broward's report was broken down

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into seven parts for seven cities and Davie was one of the seven. He indicated that the 1999 Census figures were expected to reflect an increase in population for the Town to 71,056. Mr. Curtis commented that the average age for Davie residents was 36 years with women in the majority of 53%. There were 15,364 people over the age of four who spoke a language other than English, of that group 70% spoke Spanish and 37% of the 15,364 reportedly did not speak English well which was something to be concerned about. Mr. Curtis indicated that Davie was obviously a marrying type of Town with 26,682 households, 52% of which comprised of married couple families. He commented that the Town would have until spring of 2001 to complete the Census 2000 report.

Mayor Venis announced that items 9.3, 9.4 and 9.5 needed to be tabled to September 6, 2000.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that items 9.6 and 9.7 were withdrawn.

Mayor Venis advised that items 12.4 and 12.5 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

#### **4. MAYOR/COUNCILMEMBER'S COMMENTS**

**BEST OF LUCK.** Mayor Venis offered best wishes to Dean Alexander who would be going to Hungary at the end of August for the World Veteran's Fencing Championship. He advised that Mr. Alexander would be competing in the 60 and older division. Mr. Alexander spoke on behalf of seniors and how he encouraged them to continue doing whatever they loved to do for as long as they could.

**HOMECONSTRUCTION.** Mayor Venis expressed concern for the number of homes in the community which were being remodeled over a very long period of time. He cited an example of one that had been worked on for nine years and asked if all ordinances could be tightened up so this was not allowed.

Mr. Willi listed the alternatives being investigated by Code Compliance and Development Services but advised that this kind of construction was regulated by the South Florida Building Code. He stated that it was not certain if the Town's Code could be enforced in this type of situation.

Mark Kutney, Director of Development Services, spoke about the property in question and said that Mr. Kiar was reviewing the situation and legal action was being considered. He stated that staff was also looking into the new State Building Code and how it might apply. He stated that property maintenance standards could be applied to future situations, but that the South Florida Building Code might restrict Mr. Willi's resolving this issue.

**SOUND SYSTEM.** Mayor Venis spoke about how poorly the sound system functioned during the last meeting and advised that the process had begun for new microphones and a new system.

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**FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).** Mayor Venis stated that he had received a letter from FDOT regarding the Ivanhoe community and the landscaping project. The letter indicated that certain areas of the community would have fencing installed and indicated that he would like a presentation of these plans at the next meeting.

**DRAINAGE ISSUES.** Mayor Venis advised that he had been speaking with residents regarding this issue and indicated that a workshop would be scheduled in the near future to outline the planned fixes for the community. He stated that in dealing with the Central Broward Water Control District, it had said that many of the pipes were filled with sand, rock and other debris. Mayor Venis added that the community being investigated was checked after Hurricane Irene and since then, the pipes had filled up again. The District was recommending that homeowner's association should set up standards to have pipes checked periodically. Mr. Willi advised that drainage would be one topic offered in the Davie Update to educate the public on what must be done.

**COUNCILMEMBER CLARK**

**SHUTTLE SERVICE.** Councilmember Clark asked when a workshop could be scheduled regarding the shuttle service, as she wanted the public to have input on the routes that would be established. Mr. Willi stated that the Town and Broward County were negotiating the routes, with one of the goals being a minimum ridership. He advised that counting the ridership would begin after a six month period. Mr. Allen stated that staff was working with the County in planning the routes. The County was very much in support of the eastern route, but the density on the western route was low so it would be reevaluated. He advised that the plan would have the buses running by January 1, 2001 and added that a minimum of five riders per hour per bus had to be maintained.

**EHLINGER APARTMENT EVENT.** Councilmember Clark mentioned her visit to Ehlinger Apartments during the Memorial Hospital Health Fair and spoke in support of what was accomplished during this event. She praised Housing and Development Coordinator Shirley Taylor-Prakelt for her efforts.

**CONDOLENCES.** Councilmember Clark offered her condolences to the family of the Davie Explorer who died in a fatal car accident.

**SUMMERLAKE APARTMENTS.** Councilmember Clark stated that the area along 42nd Street was high with weeds and asked that this area be kept cut while under construction.

**DRAINAGE WORKSHOP.** Councilmember Clark invited people to attend the upcoming workshop that had been mentioned and referred to the runoff on Griffin Road even with minimal rain.

**COUNCILMEMBER COX**

**PICNIC.** Councilmember Cox complimented Ms. Stafiej on the employee picnic and indicated that she was unable to attend as she was on vacation.

**DRAINAGE.** Councilmember Cox stated that she had met with a CBDD commissioner who suggested that residents work towards a solution to the drainage problems by watching for obstructions in waterways. She recommended that residents call CBDD, a Councilmember, or the Town's Public Works Department to report problems.

**WETLANDS PROJECT.** Councilmember Cox stated that she was pleased to see that the wetlands project on 58th Avenue was underway.

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**DISMISSAL.** Councilmember Cox voiced her dissent about the dismissal of Assistant Town Administrator Rawls. She stated that he had served the Town for 14 years, keeping late hours and demonstrating tremendous commitment. She spoke in support of his singular focus, stating that his first concern was always what was right for the Town, not what pleased Council. During his time in service, she felt that he helped many people and that he would be missed. Councilmember Cox expressed great concern that the person who moved for his dismissal was someone who did not live in the Town or pay taxes in the Town and was new to his position.

#### **VICE-MAYOR WEINER**

**NEWS ARTICLE.** Vice-Mayor Weiner stated that newspapers liked to look for something that was wrong and he described a weekend vacation he took with his family. He stated that this coincided with the time Mr. Rawls left, adding that he would miss him and that he was not sure whether he left on his own or was terminated from his position. Vice-Mayor Weiner added that the Town would survive this change.

**DRAINAGE.** Vice-Mayor Weiner stated that he was glad to hear Council talking about drainage and that the issue would continue to be addressed.

**BUDGET WORKSHOP.** Vice-Mayor Weiner recommended maintaining the August 28th budget workshop and stated that staff had proposed a high millage rate which he hoped could be reduced.

**HAPPY ANNIVERSARY.** Vice-Mayor Weiner wished his wife of 12 years a happy anniversary.

**INTERNATIONAL BALLET ACADEMY.** Vice-Mayor Weiner welcomed a new cultural partner in the community, Debra Butner Delgado. Ms. Delgado addressed Council and spoke about the plans for a presentation of The Nutcracker, an outreach program, and an overseas program for senior girls. Ms. Delgado stated that she was originally from South Africa, training there and in England and had been teaching in this area for the last seven years.

#### **COUNCILMEMBER PAUL**

**CONDOLENCES.** Councilmember Paul expressed her condolences to the family of Explorer Cadet Christopher Taylor who had been with the Explorer Post for three years. She complimented the honor guard who was at the funeral service and thanked the Police Department for its efforts, time and manpower devoted to that service. She also thanked Officers Wayne Boulter and Barry Dodge who did a great job.

Councilmember Clark thanked those who donated funds to pay for the funeral service as this cadet was raised by his grandmother in a family with limited income.

**REFLECTIONS WEST.** Councilmember Paul spoke about a recent homeowner's association meeting at Reflections West where it was brought up that the developments of a ballfield, a park, and a shopping center had infringed on their area. She asked Mr. Willi to be aware of their concerns.

**WILDLIFE PROTECTION.** Councilmember Paul asked if an ordinance could be developed that would require a walkthrough of property prior to development for the purpose of trapping and relocating wooded wildlife to another area away from the Town populace.

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**ORANGE TREE ESTATES PHONE SERVICE.** Councilmember Paul stated there was a two to three day period of time recently where no phone service was available to this community. She indicated the seriousness of this situation in an emergency, asking for a faster turnaround on repairs of this kind.

**NEW HORSE TRAIL.** Councilmember Paul spoke about the proposed horse trail for the south side of 26th Street and indicated that a discussion of a drainage area had held up this plan. She asked that a drainage system be part of the proposal.

**DRAINAGE ISSUES.** Councilmember Paul recommended that residents of each street take care of their own catch basins, scooping up the debris and disposing of it.

**SOUTHWEST RANCHES CEREMONY.** Councilmember Paul attended the inaugural oath of office ceremony and congratulated Southwest Ranches on becoming the newest town in the County.

**THANK YOU.** Councilmember Paul thanked Assistant Director of Public Works Dan Oyler for the additional equestrian trail signs that had been posted at major intersections and indicated that horse crossing signs would also be installed.

**SOROPTIMIST GOLF TOURNAMENT.** Councilmember Paul mentioned the tournament scheduled for August 19th and indicated that the funds raised would benefit the Old Davie School, the EASE Foundation, and Project Stable.

**HANDICAPPED SPACES.** Councilmember Paul said she was made aware of the removal of some handicapped spaces at the Shenandoah Shopping Center and asked if this was part of the site plan or could a change be made.

**TREES.** Councilmember Paul stated that Kirk Hensen, owner of a nursery in the Oak Hill area, had received 200 trees from the National Resources and Conservation Service and would plant those for the Town in accord with the water management and transportation criteria. She thanked him and others who had donated trees to the Town.

**SAFETY SUMMIT.** Councilmember Paul stated that Rocky Johnson would be at the Summit. She added that the smokehouse would be there and there would be a talk about school bus safety issues.

**FIRE SAFETY.** Councilmember Paul asked for a report on the progress of the repairs and the maintenance of vehicles and equipment including the delivery schedule for the new vehicles. She added that she would like to have a cross-reference system with finances for the way vehicles were repaired. Councilmember Paul stated that this was a bookkeeping issue and she would like to include the police vehicles in this tracking system, as well.

**ROBERT RAWLS.** Councilmember Paul thanked him for his many years of dedicated service to the Town and agreed that he had the Town's best interest at heart. Councilmember Clark stated that she was not informed when Mr. Rawls left and felt that this was a loss to the Town. Mayor Venis stated that he knew Mr. Rawls for years in his involvement with the Town and thanked him for his past service, stating that he would be deeply missed.

**5. TOWN ADMINISTRATOR'S COMMENTS**

**VIDEO/SOUND SYSTEM.** Mr. Willi stated that estimates for the cost of the new video/sound equipment was greater than the \$25,000 granted by the cable providers. Staff recommended that professional quality equipment be used instead of the security-like cameras now being used. He stated that after this had been put out to bid and the funding source had been established, the equipment would be placed on the agenda for Council's approval.

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**BUS SYSTEM.** Mr. Willi stated that staff expected the system to be running by January 1st. The agreement between the County and the Town regarding the South Florida Education Complex was being reviewed by Mr. Kiar and a draft of the new downtown Davie agreement would be forthcoming.

**BUILDING INSPECTORS.** Mr. Willi stated that three new inspectors had been hired by the Building Division.

**PINE ISLAND RIDGE ANNEXATION.** Mr. Willi stated that a meeting with the annexation committee and Vice-Mayor Weiner had resulted in the committee's request for a workshop meeting with Council to get this process underway.

**SOUTHWEST RANCHES.** Mr. Willi indicated that a meeting had been set for next week with Southwest Ranches to finalize negotiations for the Town to provide fire service. He stated that there were still some issues to be worked out with regard to what the County currently provided.

**6. TOWN ATTORNEY'S COMMENTS**

**KUEGLER.** Mr. Kiar advised that the trial date was scheduled for January 5, 2001 and the judge had ordered mediation. He indicated that Council needed to designate a member to accompany him as a representative of the Town.

**ORANDELLO.** Mr. Kiar stated that Mr. Orandello provided leases and other documents, which were being reviewed. There was an injunction in place and additional court time would be likely. Mr. Kiar had asked staff to look into whether those who had leased the trucks were licensed to sell ice cream in the Town.

**ROHOFLAMINGO.** Mr. Kiar stated that the complaint had been completed and sent to their attorney.

**DCA.** Mr. Kiar thanked Mr. Kutney for the number of hours spent on this issue and advised that a settlement in the form of a letter of commitment had been received. He stated that this land use amendment was in compliance and conditions would include retail and business issues not being allowed on the site, density control, and the measure of traffic flow in a certain area. Mr. Kutney stated that the agreement was unusual and one they objected to initially because the plan would put more trips onto the roadway, which was a concurrency violation. He added that DCA wanted the Town to lead in finding a solution with FDOT and the County. Mr. Kutney stated that staff had advised DCA that it was not up to the Town to rectify the situation. He indicated that DCA agreed and this provided a basis for a compliance agreement, adding that going to court may not be necessary. Councilmember Paul asked if anything was included in the agreement in regard to wetlands, as the cypress trees on one corner of the property needed to be protected. Mr. Kutney responded that the site plan would not be that detailed.

**RODEO AGREEMENT.** Mr. Kiar spoke about the naming of the rodeo arena and referred to the agreement dated December 20, 1995. He stated that the name "Davie Rodeo Grounds" could not be used and the sole name for the arena and property would be "Bergeron Rodeo Grounds of Davie, Florida."

Councilmember Clark asked if the Town had the right to change the name of the arena since it was owned by the Town. Mr. Kiar indicated that the agreement was very specific, and the name and entrance banners would read as stated due to Mr. Bergeron's generous contribution resulting in the agreement.

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Vice-Mayor Weiner asked if it was true that unless the Town destroyed the arena and returned the \$150,000 to Mr. Bergeron, the name would remain the same. Mr. Kiar responded in the affirmative.

Councilmember Clark asked if before the time of the agreement, the Town had the legal right to change the name. Mr. Kiar responded in the affirmative.

Mayor Venis added that since the initial contribution, Mr. Bergeron had spent hundreds of thousands of dollars to upgrade the entrance and make other improvements to the grounds, which he was not obligated to do.

Councilmember Cox stated that a true understanding of the agreement revealed a goal that the arena be maintained and used as it historically had been. She felt that Mr. Bergeron's purpose was to make sure this property was not someday used for another purpose but to preserve it as the rodeo arena. Councilmember Cox stated that the reason the Town purchased the property was to gain the parking needed for the arena to function properly. She added that the contribution from Mr. Bergeron made the parking possible and it had been busy since the parking was established.

Councilmember Clark requested research into an original clause that the Town could never tear down this arena or the property would revert back to its original owner. Vice-Mayor Weiner asked Mr. Kiar to find out the folio number for the rodeo arena property and stated that he would look for any declarations or restrictions.

Mayor Venis asked about the Orandello leases and asked how this would relate to the case. Mr. Kiar stated that he would research the matter.

**GLHOMES.** Mr. Kiar stated that he had been asked if the Town could limit the minimal acreage for the parcel, which could be done so long as there was a reasonable basis for the minimal acreage selected. He indicated that the acreage could be more than 100 acres and the Town could show that this was what would be sufficient for recreational purposes of the Town.

**PROPOSED ENGAGEMENT LETTER.** Mr. Kiar stated that Council might want an independent counsel to review the letter for the services of the Town Attorney. H explained that the letter set forth what he was currently doing the the compensation that had been verbally agreed to.

**MANDATE FOR DEED RESTRICTIONS.** Mr. Kiar stated that he was researching whether the Town could mandate property owners not to deed restrict against horses, and whether the Town could require homeowner's associations not to later try to restrict something that was not allowed.

**SUNRISE WATER.** Mr. Kiar advised that a meeting was scheduled for August 21st and he requested a list of items necessary for a possible purchase and sale.

## **7. CONSENT AGENDA**

### *Minutes*

- 7.1 May 17, 2000 - Regular Meeting
- 7.2 July 12, 2000 - Special Meeting

### *Proclamations*

- 7.3 National Pollution Prevention Week (September 18 - 24, 2000)



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- 7.4 Safety Summit Day (September 23, 2000)
- 7.5 Character Education Initiative

*Occupational Licenses (Home)*

- 7.6 Gator Electric Service, Inc., 15095 SW 27 Street

*Occupational Licenses (Solicitor)*

- 7.7 Pets & Animals in Distress, 1941 NE 51 Street, Fort Lauderdale
- 7.8 Rainbow Foundation, 7160 Stirling Road

*Resolutions*

- 7.9 **LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PARK SITE LOCATED ADJACENT TO THE FLORIDA TURNPIKE APPROXIMATELY 1300 FEET NORTH OF STIRLING ROAD AND PROVIDING AN EFFECTIVE DATE. (tabled from August 2, 2000)
- R-2000-190 7.10 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE 2000 URBAN AND COMMUNITY FORESTRY (UC&F) GRANT PROGRAM FOR THE REFORESTATION OF THE WESTRIDGE OPEN SPACE PARK PROPERTY AND MATCHING SAID GRANT WITH THE APPROPRIATION OF \$5,000 AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2000-191 7.11 **SHIP BUDGET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AND RESTATING THE TOWN'S STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM BUDGET STRATEGY FOR FY 2000/01; AMENDING THE MAXIMUM AWARDS AND AVERAGE COSTS UNDER THE 1999-2001 LHAP; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2000-192 7.12 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 85-48 FROM \$2,280.00 IN AMOUNT TO \$857.39; AND PROVIDING AN EFFECTIVE DATE. (Therrian)
- R-2000-193 7.13 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LAWN MAINTENANCE FOR POTTER PARK. (Mainguy Industries - \$5,031 a year)
- R-2000-194 7.14 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR AGGREGATES, TOP SOILS AND SAND, BROWARD CO-OP BID #E-1-00-010-G1. (L.W. Rozzo, Inc., Florida Superior Sand, Inc., and Tenex Enterprises, Inc.)

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- 7.15  
R-2000-195     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR PLAYGROUND EQUIPMENT FOR VARIOUS PARK LOCATIONS. (\$125,000)**
- 7.16  
R-2000-196     **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING CHANGE ORDER NUMBER 2 BETWEEN THE TOWN AND M. VILA & ASSOCIATES, INC. FOR THE RECONSTRUCTION AND REALIGNMENT OF REESE ROAD. (net increase of \$12,174)**
- 7.17     **ZONING IN PROGRESS EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AND EXTENDING A PLANNING AND ZONING IN PROGRESS RELATIVE TO SPECIAL RESIDENTIAL FACILITIES IN ORDER TO EFFECTUATE AMENDMENTS TO THE TOWN OF DAVIE COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE. (LA (TXT) 99-4B)**
- 7.18  
R-2000-197     **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WEST BROWARD YMCA TO OPERATE AFTER SCHOOL, SCHOOL DAYS OFF, WINTER BREAK AND SPRING BREAK DAYCARE PROGRAMS.**
- 7.19  
R-2000-198     **LETTER OF UNDERSTANDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LETTER OF UNDERSTANDING APPROVED BY RESOLUTION R-2000-269, BETWEEN THE TOWN OF DAVIE AND THE FEDERATION OF PUBLIC EMPLOYEES, WHITE COLLAR UNIT.**
- 7.20  
R-2000-199     **ASSESSMENT RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Site Plan*

- 7.21     **SP 6-1-00, Car Wash & Quick Lube Facility for Gene Mirvis, 2800 Davie Road (M-4, County) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations stipulating that number six, the live oaks, are to be determined on site; to move the Royal Palms on the front of the property in a straight line; to take the existing landscape buffer on the west side of the property and move it to the south side next to the 630 square foot waiting area, create a sidewalk, and alleviate the traffic flow problem by creating two lanes of exit**

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#### *Site Plan Modification*

7.22 SP 5-7-00, Summerlake Apartment, 5941 Summerlake Drive (RM-16) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations, changing number two, subpoint "c", to replace the Areca Palms with multi-trunk Wax Myrtles 10 foot in size.

Vice-Mayor Weiner asked that items 7.12 and 7.17 be removed from the Consent Agenda. Councilmember Paul asked that items 7.5, 7.7, 7.20, and 7.21 be removed. Mr. Kiar asked that item 7.9 be removed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.5, 7.7, 7.9, 7.12, 7.17, 7.20, and 7.21. In a voice vote, all voted in favor. (Motion carried 5-0)

7.5 Councilmember Paul stated that this proclamation adopted "Character, the Core of Our Lives." She listed eight character qualities that the Broward County School system was asking communities to support the qualities and to display the logo.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.7 Councilmember Paul made a motion, seconded by Councilmember Clark, to table this item to September 6, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.9 Mr. Kiar stated that the lease agreement had some serious deficiencies and he had requested FDOT's attorney to provide a revised agreement.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to table to September 6, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.12 Vice-Mayor Weiner was concerned that the order was from November 1985 and the amount of money had changed over the years. He asked what the calculation of interest would be and if the mitigation would still fall within the guidelines. Mr. Kutney indicated that this had not been calculated but at the time, accurate records were not kept. He indicated that the inspectors now kept more accurate records so base costs were higher.

Vice-Mayor Weiner stated that he would like to have the information before voting as he felt the difference would be \$6,000 to \$7,000.

Councilmember Cox asked what the occupational license violation referred to. Mr. Kutney stated that he thought it might have to do with the lack of a license. Councilmember Cox noticed that this was on behalf of an estate and recommended cleaning it up. Mr. Kutney stated that many of the cases that had come up recently had been older and now files were maintained.

Vice-Mayor Weiner stated that he did not have an objection to this specific mitigation, but would like to get the information for future reference.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.17 Vice-Mayor Weiner stated that he would rather not have a zoning in progress pending for four years. He added that when there was a law it must be complied with, except

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for special circumstances outlined in the Federal Fair Housing Act where State law was preempted. He recommended that the existing Code be used in a draft and say "unless otherwise preempted by federal law." Mr. Kutney stated that this could be brought back in draft form but staff was confident that the State felt this was in compliance with State Statutes.

Mayor Venis indicated that there was no time limit noted in the resolution. Councilmember Paul agreed that something similar to what was done with the agricultural ordinance could be done here, indicating that it would be in compliance. She asked if the plan for outside counsel could be dropped. Mayor Venis stated that the reason for outside counsel was because of the backlog in the department and asked if other projects had been given out. Mr. Kutney stated that the projects had been divided up and the special residential issue would take time. His concern was that the Plan and the Code seemed to have some discrepancies between them.

Mayor Venis asked if the \$1.8 million surplus in Development Services would be used for outside studies and services. Mr. Kutney advised that it would not. Mr. Willi agreed that this would not be an appropriate expenditure.

Councilmember Paul asked if the research process would begin all over again. Mayor Venis stated that it would not. He asked Mr. Kiar to indicate what was in the files, what kind of research was found and how much time would be needed to wrap up this resolution. He also asked that Council be given some direction on this at the next meeting.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

7.20 Councilmember Paul expressed concern with the formula for the assessment rate charged on the basis of square footage. She stated that there were large areas that were paying considerably more for the commercial endeavor than smaller offices and questioned if a different formula could be used. Councilmember Paul indicated that some small business owners would have a problem with the increase.

Mr. Wallace stated that this proposed rate would raise a single family home by \$20 or \$30 and businesses and commercial properties would be significantly affected. He advised that the methodology was "tried and tested" and indicated that there would be adjustments and hearings to the adjustment rolls. He advised that the only real test was that the rate be fairly apportioned. Mr. Wallace recommended that consultants attend the next meeting and explain how they came up with the methodology. He stated that all municipalities used a similar method and the only difference was that the Town had an educational component.

Councilmember Paul asked if it was possible to look at this issue during the budget workshop. Mr. Wallace advised that it was scheduled for the first budget hearing and if discussed at the workshop, no action could be taken.

Mayor Venis asked if this assessment could be reduced. Mr. Wallace responded affirmatively. Mayor Venis asked when the deadline was. Mr. Wallace indicated that Council could approve the resolution for the purpose of putting people on notice and setting a maximum amount, but there would be opportunities to make changes.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

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7.21 Councilmember Paul stated that this looked like a situation where something too large for the space was being fit into a very small area. She added that if the goal was to attract and create business, this would result in an area very congested with cars. She added that the Site Plan Committee had made some changes to try to alleviate this congestion.

Sam Engel, representing the petitioner, stated that the owner had agreed to all the suggestions made by the Committee and reminded Council that this property was zoned M-4. He added that the owner would not have chosen this property if it would be a traffic flow problem because that would be bad for business.

Councilmember Clark advised that she also reviewed this and did not see a problem with the size of the property.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve subject to the Site Plan Committee's recommendation. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

## 8. PUBLIC COMMENTS

*Ordinance - First Reading (Public Hearing to be held September 6, 2000)*

8.1 **AMENDING AGREEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NUMBER 99-12 WHICH WAS AN ORDINANCE AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR A CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that the public hearing would be held on September 6, 2000.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Cox asked what the estimated time was for completion. John Doherty, Acting Town Engineer, advised that the completion was scheduled for early September.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

## 9. PUBLIC HEARINGS

*Quasi Judicial Items*

9.1 **VARIANCE - V 6-3-00, Mobil Oil Company/Barclay Group No. 8, Ltd., 351 SW 136 Avenue (B-2) (to reduce the separation requirement between service stations and land zoned, land use planned or occupied for residential use; 2) to reduce the required perimeter landscape buffer from 10 feet to 5 feet for a distance of 52 feet along the southern property line; and 3) to reduce the required perimeter landscape buffer along the southern property line from 10 feet to 8 feet for a distance of 50 feet along the southern property line) (tabled from August 2, 2000) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial**

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Mr. Kiar explained the rules concerning the presentation of evidence. Acting Town Clerk McDaniel swore in the witnesses. Mr. Kutney advised that the planning report was on file in the Town Clerk's Office and summarized the report.

Mayor Venis asked if the petitioner was made aware of the interests expressed by the homeowner's association. Mr. Kutney responded affirmatively.

Todd Pressman, representing the applicant, spoke about the intended use of the property and stated that he had tried to prepare a site plan that would lessen the impact of its use to the neighborhood. He indicated that this was a B-2 zoned site and listed the uses permissible, including a 24-hour car wash and a 24-hour alcohol sales. Mr. Pressman indicated that alcohol sales would be restricted from midnight to 6:00 a.m., and the car wash would not be in operation from 11:00 p.m. to 6:00 a.m. He added that the plan was to provide an extensive landscape buffer at the rear of the property. Mr. Pressman spoke about the separation variance and stated that the Code required 250 feet. He was proposing 191 feet from the pumps to the beginning of the residential area.

Mr. Pressman advised of the landscape buffering required between the two commercial uses and the request for the variance from 10 feet to 5 feet and 10 feet to 8 feet. He indicated that he would increase the amount of visible green with more aggressive landscaping. Mr. Pressman asked Council to take control, and require what was needed for a safe and level use and what was the best possible plan for the neighbors in a B-2 zone.

Mr. Kiar asked if anyone wished to provide testimony in favor of or opposition to the petition.

Dean Alexander was sworn in. He stated that his concern was the hours of operation of the car wash as it was a very noisy operation to have running between 6:00 a.m. and 11:00 p.m. seven days a week.

Mr. Pressman stated that he was open to consider any changes that Council felt were necessary.

Mr. Kiar stated that the hearing was concluded.

Mr. Kutney stated that one of the problems staff had with approving this request was that the separation requirement was very important. He felt that this was not an issue of rezoning but approval of a site plan and variances that had been applied for, which was what resulted in the denial.

Mayor Venis advised that this site was originally proposed for a Walgreens or Eckerd's, which resulted in meetings with the homeowner's association in the area. He added that it was brought up that this vacant site could be a gas station in the future and it was clear that the community would be opposed to this type of operation. Mayor Venis advised that at that time, staff had indicated that if a gas station was proposed, a variance would be needed.

Councilmember Paul stated that a number of residents in the area had indicated that they would not be happy to see a gas station on this property. Councilmember Clark mentioned that there was a safety issue involved and that an entire residential community could be put in danger by reducing the separation requirement. Councilmember Cox stated that this separation issue came up a long time ago in regard to the Griffin Road corridor and at that time, it was strictly a safety issue. She added that the residential property was snug on the property line and was also two-stories high, which made the separation criteria very important. Councilmember Cox felt that no amount of landscaping or wall building would be sufficient.

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Vice-Mayor Weiner indicated that his concern was not only the possible flames, but also the fumes and chemicals in close proximity to residents.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to deny based on staff's analysis. In a roll call vote, the vote was as follows: Vice-Mayor Weiner - yes; Mayor Venis - yes; Councilmember Paul - yes; Councilmember Clark - yes; Councilmember Cox - yes. (Motion carried 5-0)

- 9.2 **VARIANCE - V 7-2-00, Jatoft/Value Dining of Davie, Inc., 4190 South University Drive (B-3)** (1) to reduce the required 10 foot landscape buffer from 10 feet to 3.57 feet along the south property line; 2) to reduce the required 5 foot separation between any parking aisle and a property line from 5 feet to 0 feet along the south property line; and 3) reduce the required 5 foot distance separation from a driveway to a property line to 0 feet) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Acting Town Clerk McDaniel swore in the witnesses. Mr. Kutney advised that the planning report was on file in the Town Clerk's Office and summarized the report.

Jessie English, representing the applicant, and Michael Jatoft, the petitioner, were present.

Mr. Kiar asked if anyone wished to provide testimony in favor of or opposition to the petition. No one spoke.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Councilmember Paul - yes; Councilmember Clark - yes; Councilmember Cox - yes; Vice-Mayor Weiner - yes. (Motion carried 5-0)

*Items to be tabled or withdrawn*

- 9.3 **PLANNING AND ZONING BOARD TABLED TO AUGUST 23, 2000; COUNCIL CAN TABLE TO SEPTEMBER 6, 2000**

VACATION/ABANDONMENT - VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extending from Davie Road Extension approximately 310 feet west (tabled from August 2, 2000)

This item was tabled earlier in the meeting.

- 9.4 **PLANNING AND ZONING BOARD TABLED TO AUGUST 23, 2000; COUNCIL CAN TABLE TO SEPTEMBER 6, 2000**

VARIANCE - V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from August 2, 2000)

This item was tabled earlier in the meeting.

- 9.5 **STAFF REQUESTING A TABLING TO SEPTEMBER 6, 2000**

VARIANCE - V 7-1-00, Rodriguez, 5220 Davie Road (RO)

This item was tabled earlier in the meeting.

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**9.6 ITEM WITHDRAWN; ORDINANCE NOT APPROVED ON FIRST READING**

CHARTER AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT OF SUBSECTION 7(A) OF THE TOWN CHARTER TO PROVIDE THAT COUNCILMEMBERS SHALL BE ELECTED FROM SINGLE MEMBER DISTRICTS EXCEPT FOR THE MAYOR/COUNCILMEMBER WHO SHALL BE ELECTED AT LARGE FROM ALL OF THE TOWN'S REGISTERED VOTERS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

**9.7 ITEM WITHDRAWN; ORDINANCE NOT APPROVED ON FIRST READING**

CHARTER AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT TO SUBSECTION 7(H) OF THE TOWN CHARTER REQUIRING NO LESS THAN FOUR AFFIRMATIVE VOTES OF MEMBERS OF THE TOWN COUNCIL FOR APPROVAL OF LAND USE PLAN AMENDMENTS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

**10. APPOINTMENTS**

10.1 Parks and Recreation Advisory Board (one exclusive appointment - Vice-Mayor Weiner: one year term) (members shall have a concern with or an interest in the park facilities and recreational needs of the Town's residents)

Vice-Mayor Weiner deferred his appointment to the next meeting.

10.2 Joint Economic Development Committee (non-exclusive appointment of one Councilmember; term September 2000, to August 2001)

Mayor Venis made a motion, seconded by Councilmember Paul, to nominate Councilmember Clark to this appointment. In a voice vote, all voted in favor. (Motion carried 5-0)

**11. OLD BUSINESS**

There was no old business to be discussed.



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**12. NEW BUSINESS**

**12.1 Davie Road Street Clock**

Vice-Mayor Weiner asked why the Town should allow a mini-billboard on a clock and made reference to the renaming of the arena. Mr. Kalis stated that his firm had originally agreed to sponsor the clock and would like to put their name on it. He indicated that others had been encouraged to donate money and their names had been placed on street benches. Mr. Kalis' intention was to provide for the cost and maintenance of the clock and felt that the firm should be recognized.

Vice-Mayor Weiner asked if the clock would revert to the Town if the firm were to be dissolved. Mr. Kalis responded that if the clock was not maintained, the right to ownership would be lost. Vice-Mayor Weiner stated that his concern was with the exclusiveness of the clock. Mr. Kalis stated that it was not his intention to create something that would be sold to another party. Councilmember Clark stated that she did not consider this to be similar to the naming of the rodeo arena.

Mayor Venis asked if Mr. Kalis had direction to move forward with his request. There was no objection.

**12.2 Charter Review Board**

R-2000-200      A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE  
CHARTER REVIEW BOARD, WHICH IS CREATED FOR THE PURPOSE OF  
REVIEWING THE CHARTER OF THE TOWN OF DAVIE AND MAKING  
RECOMMENDATIONS TO THE TOWN COUNCIL; AND PROVIDING AN  
EFFECTIVE DATE.

Vice-Mayor Weiner stated that he would like to see the Board have flexibility in discussing whether or not the organization of Council would be restructured. The way the resolution was written indicated that the Board could not review the district boundaries. He indicated that he would not like to see the Board limited in what it could discuss. Vice-Mayor Weiner clarified that he was not suggesting the Board be given the authority to set districts, but would like them to be able to discuss the boundary ratios and the number of seats.

Councilmember Cox stated that she was disappointed that the single-member issue was not going on the November ballot. She indicated that she would like to see the important issues resolved as early as possible so there was enough time for a public hearing before the holidays.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve and set a date of October 31, 2000 [for the Board to provide a final report]. In a voice vote, all voted in favor. (Motion carried 5-0)

**12.3 Charter Review Board Appointments**

Councilmember Cox stated that she would provide the names of her appointees to the Town Clerk's Office by Friday. Vice-Mayor Weiner appointed Dean Alexander and deferred his second appointment to Friday. Mayor Venis appointed Dan Pignato and Jim Marcellino. Councilmember Paul appointed Julie Aitken and Jason Hurley. Councilmember Clark appointed Bob Amchir and Tom Truex.

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12.4  
R-2000-201      A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND FLR COMPANY, LLC, PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE MADISON LAKES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 7-1-00, 5060 SW 82 Avenue)

Mr. Kiar stated that he requested that the same indemnification that was extended to the County be extended to the Town, and that the Town and its Councilmembers be named as an additional insured. He advised that Mr. Kline had given authorization to extend the indemnification to the Town.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

12.5  
R-2000-202      A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO PURCHASE AND HAVE INSTALLED 42 FILTER GRIDS AT THE PINE ISLAND COMMUNITY CENTER POOL. (Commercial Energy Specialists, Inc.; \$12,130)

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:18 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk